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Food EOOD, LML CONSULT Ltd., Ad Crunch
Ltd., Fresh Break Ltd., and Specialized Collections
Bureau, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ADTRADER, INC., CLASSIC AND
FOOD EOOD, LML CONSULT LTD.,
AD CRUNCH LTD., FRESH BREAK
LTD., AND SPECIALIZED
COLLECTIONS BUREAU, INC.

Plaintiffs,

v.

GOOGLE LLC.

Defendant.

Case No. 5:17-CV-7082-BLF

[REDACTED VERSION]

**DECLARATION OF SAMUEL SONG RE:
PLAINTIFFS' ADMINISTRATIVE
MOTION TO FILE UNDER SEAL THEIR
ADMINISTRATIVE MOTION FOR
LEAVE TO FILE SUR-REPLY AND
PROPOSED SUR-REPLY**

Judge: Hon. Beth L. Freeman
Hearing Date: *None req'd* (L.R. 7-11(c))

1 I, Samuel Song, declare as follows:

2 1. I am a partner in the law firm of Gaw | Poe LLP, counsel of record for Plaintiffs
3 and the class in the above-captioned case. If called to testify at a hearing or trial, I could and
4 would testify to the following, which is based on my personal knowledge. I submit this
5 declaration in connection with Plaintiffs' Administrative Motion to File Under Seal Their
6 Administrative Motion for Leave to File Sur-Reply and Proposed Sur-Reply ("Motion").

7 2. Plaintiffs' Motion requests sealing of portions of the following documents solely
8 because Google designated information in these documents as "Attorney's Eyes Only":

9 a. The Administrative Motion ("Administrative Motion") at Page 1, lines 13
10 to 23; Page 2, lines 21 to 28; Page 3, lines 2 to 10; Page 3, lines 12 to 20; Page 3, line 25 to Page
11 4, line 6; Page 4, lines 7 to 19; Page 4, lines 20 to 27; Page 5, lines 3 to 9; Page 5, lines 12 to 22.

12 b. The Proposed Sur-Reply ("Proposed Sur-Reply") at Page 1, lines 7 to 17;
13 Page 2, line 10 to Page 4, line 28; Page 5, lines 4 to 5; Page 5, line 9 to Page 7, line 12; Page 7,
14 line 16 to Page 8, line 11; Page 8, line 18 to Page 9, line 19, all based on designations by Google.

15 c. The highlighted or redacted portions of this declaration, which reference
16 the designated information in the Administrative Motion and Proposed Sur-Reply.

17 3. I have reviewed each of these designated portions and summarize them below.
18 For the reasons set forth in Plaintiffs' Motion and below, the Administrative Motion and
19 Proposed Sur-Reply should not be sealed.

20 Materials Google Seeks to Seal

21 4. The above-referenced portions of the Administrative Motion describe, quote from
22 or depict images of emails and document referenced in the Proposed Sur-Reply. None of these
23 portions of the Administrative Motion contain trade secrets or information that is sealable on any
24 other ground, for the reasons discussed next with respect to the Proposed Sur-Reply.

25 5. The above-referenced portions of the Proposed Sur-Reply quote Google emails
26 and documents that generally fall into two categories: [REDACTED]

27 [REDACTED]
28 [REDACTED]

1 [REDACTED]

2 6. **External messaging.** Information falling within this category includes that

3 referenced in the Administrative Motion (page 1, lines 13 to 23; page 3, lines 2 to 10) and the

4 Proposed Sur-Reply as Documents 4-11 (page 1, lines 7 to 17; page 3, line 1 to page 4, line 9;

5 page 5, lines 3 to 4). These portions include straightforward descriptions and quotes like the

6 following: [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 a. None of the information described in the Administrative Motion and Proposed

25 Sur-Reply from these emails and documents reveal information that constitutes Google trade

26 secrets or even commercially sensitive information as a general matter. [REDACTED]

27 [REDACTED]

28 [REDACTED]

[REDACTED] (See, e.g., SAC ¶¶ 167-177, 189). This information should not be sealed.

7. **Internal Documents Reflecting Google Policy**. Information falling within this category includes that referenced in the Administrative Motion (page 1, lines 13 to 23; page 2, lines 21 to 28; page 3, lines 12 to 20; page 3, line 25 to page 4, line 27; page 5, lines 3 to 9; page 5, lines 12 to 22) and Proposed Sur-Reply as Documents 1-3, 12-36 (page 1, lines 7 to 17; page 2, lines 10 to 28; page 4, lines 10 to 28; page 5, lines 3 to 4; page 5, line 9 to page 7, line 12; page 7, line 16 to page 8, line 11; page 8, line 18 to page 9, line 19). These portions include straightforward descriptions and quotes like the following: [REDACTED]

[REDACTED]

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[REDACTED]

a. None of the information described in the Administrative Motion and Proposed Sur-Reply from these emails and documents reveal information that constitutes Google trade secrets or even commercially sensitive information as a general matter. This material does not discuss Google's underlying technology, how it detects invalid activity, who did or did not engage in any invalid activity, or how anyone engaged in invalid activity. [REDACTED]

[REDACTED]

1 I declare under penalty of perjury of the laws of the United States that the foregoing is true
2 and correct. Executed this 15th day of February, 2019 in South Lake Tahoe, California.

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5 Samuel Song
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